

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:22-CR-37-MR-WCM

UNITED STATES OF AMERICA)	
Plaintiff,)	
)	
v.)	
)	
JAMES RALPH BRADY,)	WRIT OF CONTINUING
Defendant,)	GARNISHMENT
)	
and)	
)	
EASTERN BAND OF CHEROKEE INDIANS,)	
Garnishee.)	
_____)	

TO GARNISHEE: Eastern Band of Cherokee Indians
 Office of the Attorney General
 Hannah Smith, Senior Associate Attorney General
 Post Office Box 455
 Cherokee, North Carolina 28719

An Application for a Writ of Garnishment against the tribal gaming proceed funds of Defendant, James Ralph Brady, has been filed with this Court. Doc. 40. A judgment has been entered against Defendant, dated January 30, 2023. Doc. 33. The United States Clerk of Court balance of \$10,100.00, as computed through March 27, 2023, is due and owing.

You, as the Garnishee, are required by law to answer in writing, under oath, within ten (10) days of service of this Writ, whether or not you have in your custody, control, or possession, any property or funds owned by

Defendant, including nonexempt disposable earnings and tribal gaming proceed funds.

You must withhold and retain any property in which Defendant has a substantial nonexempt interest and for which you are or may become indebted to Defendant pending further order of this Court. See 15 U.S.C. § 1673(a).

Please state whether or not you anticipate paying Defendant any future payments and whether such payments are weekly, bi-weekly, monthly, annually, or bi-annually.

You must file the original written Answer to this Writ within ten (10) days of your receipt of this Writ with the following office:

Clerk of the United States District Court
Room 309, 100 Otis Street
Asheville, North Carolina 28801

Additionally, you are required by law to serve a copy of the Answer upon Defendant at his or her last known address:

James Ralph Brady
Register Number 30347-058
FCI Beckley
P.O. Box 350
General And Legal Mail
Beaver, West Virginia 25813

You are also required to serve a copy of the Answer upon the United States at the following address:

United States Attorney's Office
Financial Litigation Unit
227 West Trade Street, Suite 1650
Charlotte, North Carolina 28202

Pursuant to 15 U.S.C. § 1674, you, the Garnishee, are prohibited from discharging Defendant from employment by reason of the fact that his or her earnings have been subject to garnishment for any one indebtedness.

Pursuant to 28 U.S.C. § 3205(c)(6), if you fail to answer this Writ or fail to withhold property or funds in accordance with this Writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear, or do appear and fail to show good cause why you failed to comply with this Writ, the Court may enter a judgment against you for the value of Defendant's nonexempt interest in such property. The Court may award a reasonable attorney's fee to the United States and against you if the Writ is not answered within the time specified.

Signed: November 22, 2023



W. Carleton Metcalf
United States Magistrate Judge

